IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

OP.No. 3533 of 1995(U)

PETITIONER:

S.BALAKRISHNAN NAIR,
TC 12/681, EDAPPANIYARTHALA VEEDU, JAGATHY,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.V.N.ACHUTHA KURUP

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE COMMSISIONER & SECRETARY, FOREST AND WILD LIFE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **CHIEF CONSERVATOR OF FORESTS (VIGILANCE), KERALA STATE, THIRUVANANTHAPURAM.**

3. **KERALA FOREST DEVELOPMENT CORPORATION LTD., KOTTAYAM, REPRESENTED BY ITS MANAGING DIRECTOR, KOTTAYAM DISTRICT.**

BY GOVERNMENT PLEADER SMT. T.B. RAMANI for R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.6433/1995 IN O.P.NO.3533/1995 U

DISMISSED

24/07/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,**
J U D G E.

APPENDIX

PETITIIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER NO.VE5 4325/86 DTD. 29/12/1986 BY THE 2ND RESPONDENT.**

EXT.P2: **COPY OF PETITION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS DTD. 6/12/1988.**

EXT.P3: **COPY OF PETITION BY THE PETITIONER TO THE RESPONDENTS DTD. 15/02/1990.**

EXT.P4: **COPYOF ORDER NO.VE5-4323/86 DTD.11/10/1993 BY THE 2ND RESPONDENT.**

EXT.P5: **COPY OF REPRESENTATION BY THE PETITIONER TO THE 1ST RESPONDENT DTD. 13/12/93.**

EXT.P6: **COPY OF LIABILITY CERTIFICATE OF THE PETITIONER ISSUED BY THE 2ND RESPONDENT DTD. 4/95.**

EXT.P6(A): **COPY OF COVERING LETTER NO.VE5-4323/86 DTD. 17/04/1995 BY THE 2ND RESPONDENT TO THE PETITIONER.**

EXT.P7: **COPY OF LETER NO.B 1124/86 DTD. 6/04/1995 FROM THE WILD LIFE WARDEN, TRIVANDRUM TO THE PETITIONER.**

EXT.P8: **COPY OF INTIMATION FROM THE DIVISIONAL FOREST OFFICER, TRIVANDRUM TO THE PETITIONER.**

/TRUE COPY/

P.A.TO JUDGE

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.3533 OF 1995

Dated this the 24th day of July, 2007

JUDGMENT

Learned senior counsel appearing for the petitioner has placed before me a notice dated 26.5.2005 issued by the Kerala Forest Development Corporation Ltd., directing the petitioner to remit an amount of Rs.30,629.77 and a proceedings of the Wild Life Warden dated 5.11.2001, allowing the petitioner an amount of Rs.22,812.91 against vouchers placed by him. This means that the situation reflected in the counter affidavit dated 13.6.1995 is since changed. The counter affidavit also states that the disciplinary proceedings against the petitioner were finalised by letting the petitioner withdraw the full pension as well as commuted value of pension. It is, therefore, the argument of the learned counsel for the petitioner that in view of Note (3) to Rule 3 Part III KSR, the adjudications made are unauthorised.

2. In the aforesaid circumstances, the respondents are directed to release to the petitioner the entire amounts of DCRG, with interest at the rate of 6% per annum from the expiry of three years after his retirement, till the date of payment.

The writ petition is allowed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.3533 OF 1995

JUDGMENT

24TH JULY, 2007.

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